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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,960	05/01/2001	Hideo Takiguchi	862.1336 D1	5111
5514	7590	12/30/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			JANKUS, ALMIS R	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,960

Applicant(s)

TAKIGUCHI ET AL.

Examiner

Almis R. Jankus

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 126-147 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 126-147 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants' response of 9/22/05 has been fully considered in preparing this Office Action.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 126-147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlin et al. and further in view of Mackinlay et al.

Claim 126 requires a hierarchical data display method of displaying hierarchically managed data items, comprising the steps of: setting in a background indicating a hierarchical level, a first area in which data item(s) belonging to a parent hierarchical level is displayed and a second area in which data item(s) belonging to a child hierarchical level is displayed, so that the first and second areas are displayed exclusively and without overlapping each other in a display area of every hierarchical level; and controlling a display of data icons respectively representing the data items in each of the areas. Perlin et al. Teach the setting in a background indicating a hierarchical level as the Pad information plane, as explained in the abstract; a first area in which data item(s) belonging to a parent hierarchical level, being the screen, as explained at section 1.2 at page 57; and a second area in which data items belonging to a child hierarchical level is displayed, corresponding to Perlin's portals, at page 57 section 1.2; in a display area of every hierarchical level, at the abstract, and at page 59 figure 1; and controlling the representations, at pages 57-58. Perlin et al. further teach hierarchical relationships between the various areas or portals at least at page 57 section 1 Introduction, at page 61 section 3.2 Display Items, at page 62 section 5.3, Hierarchical Text Editor where the PAD system is characterized as a hierarchical domain, at page 63 sections 5.5 Multiple Narrative Paths and 5.6 Cooperative Pad Applications.

While Perlin et al. teach most claimed features as outlined above, it is noted that the first and second areas are displayed exclusively and without overlapping each other, and data icons representing data items is not explicitly taught.

However, Mackinlay et al. teaches these features at figure 3.

It would have been obvious to one of ordinary skill in the art to combine the references because, as Mackinlay et al. explain at figure 3, "A spiral layout combines detail and context in an intuitive 3D layout that allows the connection among calendars to be visible."

Claims 136, 146 and 147 are rejected under the same rationale applied to the rejection of claim 126.

Claims 135 and 145 require a size of each data icon is determined corresponding to the number of the data items. Perlin et al. Teach this at figures 2-4.

Claims 127 and 137 require said sizes of said division areas are determined on the basis of the number of data items belonging to one level and the number of data items belonging to child levels. This can be seen at figures 2-4 at Perlin et al. Note in figure 3 that 1992 level has a size according to the number of months (child levels) that it contains; and the child levels have a size according to the month identifiers which they contain.

Claims 128 and 138 require when there are a plurality of child levels, a display area for each child level is determined according to the number of data items belonging to levels subordinate to said child level. Perlin et al. Teach this at figures 2-4.

Claims 129, and 139 require said child levels are displayed in a background expressing a parent level, and said background is selected and displayed so that a hierarchical depth can be distinguished. Perlin et al. Teach this at figures 2-4 and at the abstract.

Claims 130 and 140 require as said hierarchical depth increases, said background is displayed in a deeper color. This is inherent regarding any color because, by definition, a deeper hierarchical depth will be associated with some color, the color being deeper by virtue of being at a deeper hierarchical depth.

Claims 133 and 143 require a step of zooming in a desired level by performing a given operation after designating a display area for said desired level; zooming out a level zoomed by performing said given operation so as to display a parent level; zooming in a desired level by performing a given operation, wherein when a zoom out is instructed in the desired level, the display of items are controlled so that data items belonging to parent level(s) of the desired level are displayed; wherein when said zoom-in means is selected, said zoom direction is a direction toward a deeper position in a hierarchy, and when said zoom-out means is selected, said zoom direction is a

direction toward a shallower position in said hierarchy; wherein a level or data icon is zoomed in, panned, or zoomed out by varying said icon display size and data icon display position. Perlin et al. Teach these features as semantic zooming and navigating using portals, at the whole article.

Claims 132 and 142 require displaying the detailed contents of a desired level by performing a given operation after designating a display area for said desired level; and zooming in a desired level by performing a given operation, wherein when a zoom up is instructed in the desired level, the detailed contents of the desired level are displayed. Perlin et al. Teaches this at figures 2-4.

Claims 134 and 144 require judging whether a remaining area is left in which the first and second areas have not been set, wherein the first and second areas are set in the remaining area when the remaining area is left. Perlin et al. Teach this at pages 57-58 at section 1.2.

Perlin et al. teach the features of claims 131 and 141 at figures 3 and 4.


4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R. Jankus whose telephone number is 571-272-7643. The examiner can normally be reached on M-F, 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ


ALMIS R. JANKUS
PRIMARY EXAMINER